



PTO/SB/30 (08-03)

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/145,680
Filing Date	SEPTEMBER 2, 1998
First Named Inventor	SRINIVASAN
Art Unit	2663
Examiner Name	DUC T. DUONG
Attorney Docket Number	42059-00580

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☒ Other AMENDMENT&RESPONSE filed 11/15/04
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/Declaration(s)
- iv. ☒ Other RESPONSE ACCOMPANYING RCE

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____
- i. ☐ RCE fee required under 37 CFR 1.17(e) 12/21/2004 KBETEM1 00000014 09145680
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 790.00 OP
- iii. ☐ Other _____
- b. ☒ Check in the amount of \$ 790 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print / Type)	ROBERT G. CROUCH	Registration No. (Attorney / Agent)	34,806
Signature		Date	DECEMBER 15, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print / Type)	TERRI BELICH	Date	DECEMBER 15, 2004
Signature			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

SRINIVASAN

Serial No.: 09/145,680

Filed: September 2, 1998

Confirmation No.: 6253

Atty. File No.: 42059-00580

For: "COMMUNICATIONS SYSTEM FOR
DELIVERING IP TELEPHONY AND
WEB BASED INFORMATION"

) Group Art Unit: 2663

) Examiner: Duc T. Duong

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH
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MARSH FISCHMANN & BREYFOGLE, LLP

BY:

Tom Belich

RESPONSE ACCOMPANYING RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant submits this Response Accompanying RCE which is responsive to the Final Office Action mailed September 15, 2004 and the Advisory Action mailed December 8, 2004. In the Final Action: claims 12 and 30 were allowed; claims 1-10, 20-29, and 31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Goss (USPN 6,493,447) in view of Coffman, et al. (USPN 6,385,191); and claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Goss, Coffman, and further in view of Sassin (USPN 6, 449,260). In the Advisory Action, the amendments made in the Amendment and Response to Final Office Action filed November

15, 2004 appear to have been entered. Further, the amendments and arguments were not found to place the application in condition for allowance.

In the Advisory Action, the Examiner responds to our argument that Goss fails to teach the limitation “to place a telephone call via the Internet from the computer-based device of the system user to the computer-based device of an available service agent” by stating that such limitation can be found in Goss at Fig. 10 and in column 23, lines 22-23. The Examiner is possibly missing the distinction that independent claims 1, 20, and 31 have the directionality of the call being placed from user to agent while Goss has the directionality of the call being placed from agent to user. In case the Examiner has appreciated this distinction but finds it to be meaningless, that should be so stated. The distinction is very important because it may be highly desirable to customers to conduct the telephone conversation at a time that is convenient to them, particularly at that very moment that they initiate the call.

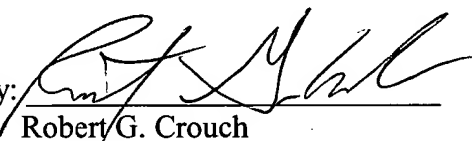
As to our “teaching away” argument previously presented, the Examiner responds that we are attacking a reference individually. To the contrary, we are pointing out that the primary reference teaches against this aspect of the combination of the two references which the Examiner argues to be obvious. To merely point out that the primary reference teaches against the combination the Examiner is proposing is not attacking a reference individually, but instead is arguing against a piece-meal combination of different aspects of the two references while ignoring the aspects of the two references that would de-motivate one from combining these two references in this fashion. The Examiner states that the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. It is respectfully asserted that one must properly factor in the teaching away aspect of the Goss reference when

determining what the combined teachings of the reference would have suggested. When this aspect is factored in, the combination would not have been made.

For both these reasons (claim distinction and the primary reference teaching away), it is respectfully submitted that each of the rejected claims is patentable. Based upon the foregoing, Applicants believe that all pending claims are in condition for allowance and such disposition is respectfully requested. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

MARSH FISCHMANN & BREYFOGLE LLP

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Date: December 15, 2004